

## § 92.3

this section, that region may be required to submit additional information pertaining to animal health status or allow APHIS to conduct additional information collection activities in order for that region to maintain its animal health status.

(Approved by the Office of Management and Budget under control number 0579-0219)

[62 FR 56012, Oct. 28, 1997, as amended at 68 FR 50054, Aug. 20, 2003]

### § 92.3 Movement restrictions.

Whenever the European Commission (EC) establishes a quarantine for a disease in the European Union in a region the Animal and Plant Health Inspection Service recognizes as one in which the disease is not known to exist and the EC imposes prohibitions or other restrictions on the movement of animals or animal products from the quarantined area in the European Union, such animals and animal products are prohibited importation into the United States.

[68 FR 16938, Apr. 7, 2003]

## PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

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### Subpart A—Birds

#### § 93.100 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

**Administrator.** The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to whom authority has been or may be delegated to act in the Administrator's stead.

**Animal and Plant Health Inspection Service.** The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service.)

**Animals.** Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

**APHIS representative.** A veterinarian or other individual employed by the

Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the services required by this part.

**Birds.** All members of the class aves (including eggs for hatching), other than poultry.

**Commercial birds.** Birds which are imported for resale, breeding, public display, or any other purpose, except pet birds, zoological birds, research birds, or performing or theatrical birds.

**Communicable disease.** Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

**Department.** The United States Department of Agriculture (USDA).

**Inspector.** An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

**Licensed veterinarian.** Any person licensed by any region or political subdivision thereof to practice veterinary medicine.

**Pen-raised.** Cared for in a fenced enclosure, such that the ratites are kept apart from wild ratites, poultry, and other animals; can be readily observed, and be restrained for inspection and treatment. A flock is not considered to be pen-raised if ratites captured in the wild have been added to it after March 8, 1994.

**Performing or theatrical birds.** Birds, except ratites, which are to be used in shows, theatrical acts or performances only.

**Persons.** Any individual, corporation, company, association, firm, partnership, society or joint stock company.

**Pet birds.** Birds, except ratites, which are imported for the personal pleasure of their individual owners and are not intended for resale.

**Port Veterinarian.** A veterinarian employed by the Animal and Plant Health Inspection Service to perform duties required under this part at a port of entry.

**Poultry.** Chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys (including eggs for hatching).

**Production season.** That period of time, usually approximately 9 months each year, from the time ratites in a

flock begin laying eggs until the ratites cease laying eggs.

*Ratites.* Cassowaries, emus, kiwis, ostriches, and rheas.

*Region.* Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

- (1) A national entity (country);
- (2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.);
- (3) Parts of several national entities combined into an area; or
- (4) A group of national entities (countries) combined into a single area.

*Research birds.* Birds which are to be used for research purposes only.

*Smuggled birds.* Any bird which has been brought into the United States contrary to any Federal law or regulation and which has been seized by any official of any Department of the United States Government or which has been abandoned to the United States.

*United States.* All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

*Veterinary Services.* The Veterinary Services unit of the Department.

*Zoological birds.* Birds intended for breeding or public display, for recreational or educational purposes, at a zoological park.

*Zoological park.* A professionally operated zoo, park, garden or other place, maintained under the constant surveillance of a Doctor of Veterinary Medicine, for the exhibition of live animals, pigeons or birds, for the purpose of public recreation or education.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 31865, July 12, 1991; 59 FR 10732, Mar. 8, 1994; 59 FR 47068, Sept. 14, 1994. Redesignated and amended at 62 FR 56012, 56013, Oct. 28, 1997]

#### § 93.101 General prohibitions; exceptions.

(a) No product or bird subject to the provisions of this part shall be brought into the United States except in accordance with the regulations in this

part and part 94 of this subchapter;<sup>1</sup> nor shall any such product or bird be handled or moved after physical entry into the United States before final release from quarantine or any other form of governmental detention except in compliance with such regulations; *Provided*, That the Administrator may upon request in specific cases permit products or birds to be brought into or through the United States under such conditions as he or she may prescribe, when he or she determines in the specific case that such action will not endanger the livestock or poultry of the United States.

(b)(1) Birds from Canada may be imported in accordance with this section or, except for ratites in accordance with the provisions applicable to importation of poultry from Canada as specified in §§ 93.205, 93.214, and 93.216 of this part.

(2) Ratites and hatching eggs of ratites may be imported into the United States only in accordance with the provisions in this part that apply to commercial and zoological birds, and, where specified, with the provisions that apply to ratites or hatching eggs of ratites.

(3) Except for ratites imported as zoological birds, and ratites and ratite hatching eggs imported from Canada in accordance with § 93.107, ratites and hatching eggs of ratites may not be imported into the United States unless the following conditions are met:

(i) The ratites or hatching eggs are produced by a pen-raised flock, and, in the case of ratites, maintained in a pen-raised flock;

(ii) Each ratite produced in the flock is identified with an identification number by means of a microchip implanted at 1-day of age in the pipping muscle of ostriches and in the upper neck of other ratites, each ratite added from outside the flock is identified in like manner upon arrival in the flock, except that the microchip need not be implanted in the pipping muscle or the upper neck, and each ratite already in the flock as of March 8, 1994 is identified in like manner, prior to the next

<sup>1</sup>Importations of certain animals from various regions are absolutely prohibited under part 94 because of specified diseases.